

Minutes
Air Pollution Control Board
Indiana Government Center South
Conference Room A
402 West Washington Street
Indianapolis, Indiana

November 4, 2009
1:00 p.m.

- A. Dr. James Miner, Chairman, called the meeting to order.
He noted that a quorum was present.

**CALL TO ORDER
QUORUM**

Chairman Miner introduced the board members.

**INTRODUCTION OF
MEMBERS**

Present: Dr. James Miner, Chairman
Mr. Jeffrey Quyle
Mr. Randy Staley
Mr. Gregory Kissel
Mr. David Benshoof
Dr. Phil Stevens
Mr. Chris Horn
Mr. Howard Cundiff, Proxy, State Board of Health
Mr. Brad Moore, Proxy, Indiana Economic Development Corp.
Mr. Eric Burch, Proxy, Lieutenant Governor

Also present representing IDEM were:

Thomas W. Easterly, IDEM Commissioner
Mr. Daniel Murray, Assistant Commissioner
Mr. Scott Deloney
Ms. Christine Pedersen
Ms. Manda Clevenger
Ms. Nancy King

A court reporter was present and a transcript is available for review.

- B. Mr. Murray presented an update on the transition of the
Local Air Agency responsibilities. He stated that for the
most part the transition is complete and that IDEM has
not changed the frequency or number of monitors in any of the jurisdictions of the former

REPORTS

local agencies, and he addressed one question regarding how IDEM currently processes complaints.

Following IDEM's reports, Commissioner Thomas Easterly invited Mr. Murray to share some personal news. Mr. Murray stated that he would soon be leaving IDEM to take a job in the private sector.

- C. Chairman Miner introduced the September 2, 2009, Air Pollution Control Board minutes. **MINUTES**

Mr. Quyle moved to adopt the September 2, 2009, Air Pollution Control Board's minutes. Mr. Benshoof seconded. The motion passed unanimously.

- D. Prior to the public hearing, Chairman Miner announced that the emergency rules listed on the original agenda would not be considered today. He explained that the VOC RACT Rules that were final adopted at the Sept. 2, 2009 Board meeting have been filed with the Publisher and will become effective by the expiration date of those emergency rules which were adopted at the September 2009 Board meeting.
- Chairman Miner introduced Exhibit 1-A, the proposed rule as preliminarily adopted with IDEM's suggested changes incorporated, and Exhibit 1-B, the proposed rule as preliminarily adopted, into the record of this hearing.
- PUBLIC HEARING
FOR FINAL
ADOPTION OF
AMENDMENTS TO
326 IAC 16.
ENVIRONMENTAL
IMPACT
STATEMENTS FOR
MAJOR STATE
ACTIONS
LSA #08-208.**

Ms. Nancy King, Attorney, Office of Legal Council, spoke for the agency. She explained that the Board had preliminarily adopted these rules on April 1st, 2009, and that the proposed rule was published in the Indiana Register in May, 2009. She stated that both the Water Pollution Control Board and the Solid Waste Management Board have recently final adopted this rule within their respective titles. Ms. King noted a few minor changes in the rule language. Ms. King recommended that the Board final adopt the amendments to the proposed rule.

Mr. Horn motioned for amending the final preliminarily adopted amendments to 326 IAC 16, LSA #08-208. Mr. Cundiff seconded. The motion passed unanimously.

Dr. Stevens motioned for final adoption of amendments to 326 IAC 16, LSA #08-208. Mr. Staley seconded. The motion passed 10-0.

Chairman Miner introduced Exhibit 2-A, the proposed rule as preliminarily adopted with IDEM's suggested changes incorporated, and Exhibit 2-B, the proposed rule as preliminarily adopted, into the record of this hearing.

**PUBLIC HEARING
FOR FINAL
ADOPTION OF
AMENDMENTS TO
326 IAC 8-4. STAGE 1
VAPOR RECOVERY.
LSA #07-353.**

Ms. Manda Clevenger, Rulewriter, IDEM's Office of Air Quality, was introduced to speak on 326 IAC 8-4, Stage 1 Vapor Recovery. She stated that the draft rule language was preliminarily adopted at the September 2, 2009 Board meeting. She also stated that one minor change to the rule since preliminary adoption was made. Ms. Clevenger asked the Board to final adopt the amendments to 326 IAC 8-4 concerning the Stage 1 Vapor Recovery Rule.

Mr. Horn motioned for adoption of amendments to the preliminarily adopted rule regarding 326 IAC 8-4, Stage 1 Vapor Recovery, LSA #07-353. Mr. Cundiff seconded. The motion passed unanimously.

Mr. Burch motioned for final adoption of amendments to 326 IAC 8-4, LSA #07-353. Mr. Quyle seconded. The motion passed 10-0.

Chairman Miner introduced Exhibit 3-A, the proposed rule as preliminarily adopted with IDEM's suggested changes incorporated, and Exhibit 3-B, the proposed rule as preliminarily adopted, into the record of this hearing.

**PUBLIC HEARING FOR
FINAL ADOPTION OF
AMENDMENTS TO 326
IAC 13-1.1-1.
DEFINITION OF
"ANTIQUE VEHICLE".
LSA #08-674.**

Ms. Clevenger spoke for the agency. She explained that the criteria for determining if a vehicle is an antique vehicle was preliminarily adopted at the July 1, 2009 Board meeting. She stated that IDEM and the interested parties are in agreement with the language currently before the Board. She asked that the Board consider final adoption of the amendments to the proposed rule.

Mr. Benshoof motioned for adoption of amendments to the preliminarily adopted rule regarding 326 IAC 13-1.1-1, LSA #08-674. Mr. Quyle seconded. The motion passed unanimously.

Mr. Benshoof motioned for final adoption of amendments to 326 IAC 13-1.1-1, LSA #08-674. Mr. Kissel seconded. The motion passed 10-0.

- E. Mr. Scott Deloney, Chief, Air Programs Branch, discussed details about changes within the agency regarding the rule writers. He then introduced Ms. Christine Pedersen, Chief, Rule and State Implementation Plan Development Section, who gave an updated

OTHER MATTERS

report on the anticipated rulemakings for the next two Board meetings.

OPEN FORUM

Chairman Miner opened the meeting to an open forum. There were no commenters.

Chairman Miner announced that the next meeting was tentatively scheduled for Wednesday, February 3, 2010, at 1:00 p.m, Indiana Government Center South, 402 West Washington, Indianapolis, Indiana in Conference Room C.

NEXT MEETING

- F. Mr. Benshoff moved to adjourn the meeting. Mr. Staley seconded. The vote was unanimous. Chairman Miner adjourned the meeting at 1:41 p.m.

ADJOURNMENT

James Miner, Chairman

These minutes were taken from the November 4, 2009, transcript, and were written on December 22, 2009, by Catherine Mitchell, Office of Air Quality.